

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDREW M. LEARNED,

Plaintiff,

No. CIV S-04-1833 LKK DAD PS

vs.

MBNA AMERICA BANK, N.A.,

Defendant.

ORDER

\_\_\_\_\_/

Plaintiff, proceeding pro se, filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 72-302(c)(21).

On April 22, 2005, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice to the parties that any objections to the findings and recommendations were to be filed within ten days. No objections to the findings and recommendations have been filed.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

////

////

1 1. The findings and recommendations filed April 22, 2005, are adopted in full;

2 2. Defendant's motion to dismiss for lack of subject matter jurisdiction is  
3 granted;

4 3. Plaintiff's request for additional time to file a petition to vacate arbitration  
5 award in state court is denied; and

6 4. This action is dismissed in its entirety.

7 DATED: May 19, 2005.

8  
9 /s/Lawrence K. Karlton  
UNITED STATES DISTRICT JUDGE

10 /learned1833.jo  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26